

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00389

Jack Cody Raburn,
Plaintiff,

v.

Henderson County Sheriff's Office et al.,
Defendants.

ORDER

Plaintiff Jack Cody Raburn, an inmate proceeding pro se and *in forma pauperis*, filed this civil-rights lawsuit pursuant to 42 U.S.C. § 1983. The case was transferred to this court for proper venue and referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Docs. 5, 9.


On November 19, 2021, the magistrate judge issued a report recommending that two defendants and all official-capacity claims be dismissed with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(b) and 1915A(b). Doc. 19. The report observed that claims against the remaining defendants were proceeding pursuant to a contemporaneously entered order. *Id.* at 1. Plaintiff filed timely objections. Doc. 24.

The court reviews the objected-to portions of a magistrate judge's report and recommendation de novo. *See* Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1). The magistrate judge recommended dismissal of the defendants and claims in question because the plaintiff does not allege a government policy underlying his injuries and does not allege facts showing that these defendants were personally involved in violating his constitutional rights. Doc. 19 at 4–5. Plaintiff's objections do not refute those bases for dismissal. Doc. 24.

Having reviewed the magistrate judge's report de novo, and being satisfied that it contains no error, the court overrules plaintiff's objections and accepts the report's findings and recommendation. The court dismisses defendants Hillhouse and Faught and all

official-capacity claims against the remaining defendants from this action for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(b).

So ordered by the court on December 15, 2021.



J. CAMPBELL BARKER
United States District Judge